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June 15, 2023

VIA ECF

Hon. Nelson J. Román
Hon. Cathy Seibel
Hon. Philip M. Halpern
United States District Judges
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

USDC SDNY
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MEMO ENDORSED

1. **Palisades Estates EOM, LLC et al. v. County of Rockland, New York et al.,**
Case No.: 7:23-cv-04215-NSR (“Palisades”);
2. **County of Orange v. the Crossroads Hotel, et al.,**
Case No.: 7:20-cv-04123-NSR (“Orange”)
3. **Town of Poughkeepsie v. South Road Hospitality LLC et al.,**
Case No.: 7:23-cv-04214-PMH (“Poughkeepsie”)
4. **Town of Newburgh, New York v. Newburgh EOM LLC, et al.,**
Case No.: 7:23-cv-04212 (“Newburgh”)
5. **Deide et al v. Edwin J. Day, et al., 7:23-cv-03954 -NSR (“Deide”)**

Re: Application Concerning Substantially Related Cases Before Your Honors

Dear Judges Román, Seibel and Halpern:

We are counsel to: (a) Plaintiffs in *Palisades* pending before Judge Román; (b) Defendants The Crossroads Hotel, Newburgh EOM, LLC, Ramada by Wyndham, and Ratan Newburg, LLC, in *Orange* pending before Judge Román; (c) Defendants South Road Hospitality LLC, Hudson Conference Center LLC, and Sandip Patel in *Poughkeepsie*, pending before Judge Halpern; and (d) Defendants Newburgh EOM, LLC, and The Crossroads Hotel in *Newburgh*, pending before Judge Seibel.

We previously wrote to Your Honors on June 4, 2023, pursuant to Southern District of New York Local Civil Rule 1.6, to bring to Your Honors’ attention civil cases which are substantially related. Since our June 4, 2023, letter, Judge Román entered a Preliminary Injunction on June 6, 2023, enjoining both Counties of Orange and Rockland from taking any further actions



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to enforce their respective Executive Orders barring transportation and temporary housing of migrants and asylum seekers in hotels and motels in those counties.

Our clients now have separate briefing schedules from each of Your Honors addressing three substantially related motions to remand which will be filed pursuant to 28 USC 1447, challenging the removal of those cases under 28 USC 1443 and 1441. The removal/remand issues in these three cases completely overlap and are virtually identical.

Poughkeepsie, pending before Judge Halpern, has a briefing schedule on removal/remand requiring briefs next week on June 20, 2023. The substantially related case of *Newburgh*, pending before Judge Seibel, has a briefing schedule which requires briefs by June 23, 2023; and the substantially related case of *Orange* before Judge Román has a briefing schedule requiring briefs on July 14, 2023.

Accordingly, to avoid the potential for inconsistent adjudications and unnecessary duplication, we respectfully request that *Newburgh* and *Poughkeepsie* be transferred to be heard before Judge Román as these two removed cases are substantially related cases and to the three cases now pending before Judge Román.

We thank Your Honors for your consideration of the instant application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd E. Soloway".

Todd E. Soloway

CC: All Counsel

Judge Román REJECTS Pryor Cashman's application to transfer *Newburgh* and *Poughkeepsie* as related to *Orange*, *Deide*, and *Palisades* at this time. A similar application has previously been made and was denied on June 8, 2023 (*See Palisades*, C.A. No. 23-cv-4215-NSR, ECF No. 126.) Pryor Cashman has not made a showing that *Newburgh* and *Poughkeepsie* satisfy the standard for relatedness under Rule 13 of the Rules for the Division of Business Among District Judges. In addition, on the face of the *Newburgh* and *Poughkeepsie* complaints, those cases concern different local municipal codes, and do not affirmatively raise federal claims like in *Deide* and *Palisades*.

Dated: June 20, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Nelson S. Roman".

HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE